

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMIE WELLS,	)	
Plaintiff,	)	
	)	No. 1:21-cv-958
-v-	)	
	)	Honorable Paul L. Maloney
KAMIL G. SEID, et al.,	)	
Defendants.	)	
_____	)	

**ORDER OF REMAND**

This Court ordered Defendants to show cause why this case should not be remanded to state court for lack of subject-matter jurisdiction (ECF No. 3). Defendants have failed to do so, and this case will be remanded back to state court.

Federal courts have an ongoing obligation to examine whether they have subject-matter jurisdiction and may raise the issue *sua sponte*. *See, e.g., Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010); *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 506 (2006); *Wisconsin Dep't of Corr. v. Schacht*, 524 U.S. 381, 389 (1998). The party removing the lawsuit bears the burden of establishing that the federal courts have subject-matter jurisdiction. *See Nowicki-Hockey v. Bank of America, N.A.*, 593 F. App'x 420, 421 (6th Cir. 2014). Subject-matter jurisdiction is determined at the time of removal. *Williamson v. Aetna Life Ins.*, 481 F.3d 369, 375 (6th Cir. 2007).

Defendants have not met their burden because they have failed to prove that there is complete diversity among the Plaintiff and Defendants. The citizenship of an LLC is determined by the citizenship of each member, not where the LLC is organized. *See Delay*

*v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009) (“When diversity jurisdiction is invoked in a case in which a limited liability company is a party, the court needs to know the citizenship of each member of the company. And because a member of a limited liability company may itself have multiple members—and thus may itself have multiple citizenships—the federal court needs to know the citizenship of each ‘sub-member’ as well.”). In their response to the order to show cause, Defendants failed to provide the citizenship of each member of Filla Trucking, LLC. Thus, it is still unclear whether this Court has subject-matter jurisdiction over this matter. Accordingly,

**IT IS HEREBY ORDERED** that this matter is **REMANDED** to the Ionia County 8th Circuit Court. The Clerk of Court shall make the necessary arrangements for remand.

**IT IS SO ORDERED.**

Date: November 23, 2021

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge